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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MERYL BORDERS-HUMPHREY,
 Plaintiff,
 v.
 PRISON HEALTH SERVICES, INC., and
 DOES 1 through 10,
 Defendants.

Case No. C 07-02516 JSW

**FOURTH JOINT CASE
 MANAGEMENT STATEMENT**

DATE: September 5, 2008
 TIME: 1:30 p.m.
 PLACE: Courtroom 2, 17th Floor

The parties submit this joint case management conference statement to supplement information provided in previous joint statements. The parties refer to the other joint statements filed previously in this matter for additional information.

1. Status of Union Arbitration

Plaintiff's employment with defendant Prison Health Services, Inc. (PHS) was governed by a collective bargaining agreement. Plaintiff filed a union grievance challenging the termination of her employment. That grievance has now proceeded to arbitration. The arbitration commenced on December 4, 2008, and a second session was held on January 17, 2008. Because the arbitration was not completed on January 17, a third (and final) arbitration session was scheduled for Wednesday, February 6, 2008. The arbitration was completed on February 6, and the parties submitted post-arbitration briefs. On July 23, 2008, the arbitrator issued a ruling on the grievance, reinstating Plaintiff's employment with PHS.

2. Case Management Conference

The Court initially continued the case management conference in order to provide the parties time to complete mediation with the court-appointed ENE evaluator. The parties did participate in mediation, but the case did not settle. Following that, at the parties' joint request, the Court continued the case management conference four times, in order to allow the parties to complete the arbitration of Plaintiff's related union grievance. The resolution of the union grievance had the potential to impact the scope of this present proceeding. On July 23, 2008, the arbitrator issued his ruling.

3. Discovery

Discovery in this matter has been stayed. The parties have commenced (but not completed) Plaintiff's deposition. The parties have also exchanged initial disclosures.

4. Other Matters

PHS has obtained new counsel to defend it in this proceeding and will be filing a substitution of attorney either concurrently with this statement or shortly thereafter.

5. Scheduling

Given the fact that PHS has just retained new defense counsel, PHS takes the position that it is premature to schedule this case for further proceedings. PHS suggests that the Court set this matter for another case management conference in approximately 60-90 days in order to allow new defense counsel to get up to speed and commence work. Plaintiff, however, prefers a new case management conference to be set in 30-60 days. In addition, the arbitration ruling raises additional issues regarding Plaintiff's reinstatement and entitlement to back pay that need to be resolved, over which the arbitrator has retained jurisdiction.

6. Trial

The parties estimate that the trial will take 5-7 court days.

DATED: August 28, 2008

McDONOUGH HOLLAND & ALLEN PC
Attorneys at Law

By: /s/ Laura J. Fowler
LAURA J. FOWLER
Attorneys for Defendant Prison Health Services,
Inc.

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2 DATED: August 28, 2008

LAW OFFICES OF MICHAEL C. COHEN

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4 By: /s/ Michael C. Cohen
MICHAEL C. COHEN

5 Attorneys for Plaintiff Meryl Borders-Humphrey
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